



City of Libby

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July 25, 2013

Antoinette Urioste, FOIA Coordinator
USF&W Service
Region 6
PO Box 25486
Denver, CO 80225

Dear Ms. Urioste,

The City of Libby, Montana is requesting records under the Freedom of Information Act.

Background:

The City of Libby is currently in the process of replacing a City-owned dam on upper Flower Creek near Libby, Montana. The current dam is in jeopardy of failing and needs to be replaced as soon as possible to protect Libby's only water source. Failure of the dam would also result in catastrophic damage and possible injury or death to residents located below the dam.

During the preliminary engineering process for the reconstruction of the dam, our engineering firm consulted with all federal and state agencies about required permits and consulting requirements. This included the U.S. Fish and Wildlife Service.

Initially, we received e-mail correspondence from the USF&W that the reconstruction of the existing dam would not have any detrimental effect on wildlife or fisheries in the area and would not require any further consultation since the dam already existed and was going to be replaced near its current location. Several months later, a different office changed that original opinion and is requiring a Biological Assessment.

This change in opinion has substantially delayed the project and resulted in the loss of a major funding opportunity. It has also resulted in putting the City at risk of losing their only water source and our residents at risk for their safety.

Records request:

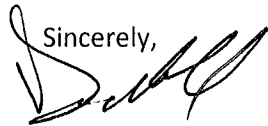
Due to these circumstances, the City of Libby is formally requesting the following records under the FOIA for the past five (5) years:

- All records, including e-mail correspondence, concerning or including a reference to the Flower Creek Dam and reservoir near Libby, Montana.

- All records, including e-mail correspondence, concerning or including a reference to the mitigation of Bull Trout for the proposed Montanore Mine near Libby, Montana.
- All records, including e-mail correspondence, concerning or including a reference to the City of Libby, its Mayor, Council members, agents, or consultants.

The City of Libby believes that this request is in the public interest and is likely to contribute significantly and meaningfully to public understanding of the operations or activities of the federal government. The City also believes that the public's understanding of the actions of the USF&W Service actions with respect to the Flower Creek dam will contribute to the understanding of a broad audience of persons interested in this subject beyond the residents of the City of Libby, that would include Lincoln County residents, State of Montana residents, U.S. Residents, and various news agencies.

Because of these reasons, the City of Libby is requesting a waiver of any fees for this information.

Sincerely,


Doug Roll, Mayor
City of Libby, Montana

The City of Libby is also requesting expedited processing of this information request because of the possible imminent danger of the failure of the Flower Creek dam and the substantial risk to life and property if a total dam failure occurs. I certify that the above statement concerning expedited processing is true and correct to the best of my knowledge and belief.



Doug Roll, Mayor
City of Libby